

REMARKS

The Examiner should note that on March 15, 2005, after the final rejection in the present application, an Information Disclosure Statement was filed. It is requested that the Examiner consider the content of the Information Disclosure Statement and make it of record.

A Terminal Disclaimer is submitted herewith which disclaims the term of any patent to issue from the present application after the expiration of the patent to issue from United States Patent Application Serial No. 09/985,307 upon which the Examiner has made a provisional double patenting rejection. The Terminal Disclaimer is submitted in view of the allowance of Serial No. 09/985,307 and payment of the issue fee which will cause it to issue in the near future.

The Examiner should note that dependent claims 39-42 have been added to claim subject matter dependent upon claims 20, 28, 35 and 36 which is based upon the disclosure of the present application on page 6, lines 13-21. The undersigned has left a telephone message on the Examiner's voice mail explaining the addition of new dependent claims explaining that dependent claims should not raise new issues of patentability. It is requested that the Examiner permit these new claims to be added in order to provide the applicant with additional claimed subject matter which is part of the present invention and which was inadvertently not previously claimed. If the Examiner has any question regarding the addition of these claims, it is requested that he call the undersigned since it is believed that the submission of a Terminal Disclaimer obviates the outstanding grounds of obviousness type double patenting, with the new claims 39-42 having been added to claim additional

subject matter which is based upon the present disclosure. Therefore it is requested the Examiner permit claims 39-42 to be added since their status as dependent claims should not require further field search in view of the filing of the Terminal Disclaimer obviating the issue of patentability of all of the claims including in the independent claims from which the newly added dependent claims depend with respect to Serial No. 09/985,307.

In view of the foregoing amendments and remarks, it is submitted that the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (Case No. 1076.40275X00) and please credit any excess fees to such deposit account.

Respectfully submitted,



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